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In re Application of:

KENJI INOUE

Application No.: 09/883,310

Filed: June 19, 2001

For: TELEVISION SIGNAL RECEIVER, AND
METHOD FOR CONTROLLING RECORDING OF
TELEVISION SIGNALS

Docket No. 03560.002836

Examiner: A.M. Duggins

Group Art Unit: 2613

Date: August 10, 2004

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Technology Center 2600

Mail Stop: Amendment

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Request For Reconsideration in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 18	MINUS	** 18	= 0	x \$9 \$18	\$0.00
INDEP. CLAIMS	* 4	MINUS	*** 4	= 0	x \$43 \$86	\$0.00
Fee for Multiple Dependent claims \$145°/\$290						\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0.00

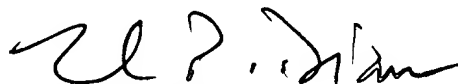
* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge \$_____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for a _____ month extension is enclosed.
- ☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
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03560.002836

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KENJI INOUE

Application No.: 09/883,310

Filed: June 19, 2001

For: TELEVISION SIGNAL RECEIVER,
AND METHOD FOR CONTROLLING
RECORDING OF TELEVISION
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REQUEST FOR RECONSIDERATION

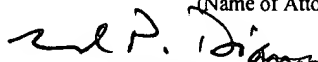
Sir:

In response to the Office Action dated May 10, 2004, Applicant submits the following remarks in traversal of the rejections set out in that Office Action.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

August 10, 2004
(Date of Deposit)

Leonard P. Diana (Reg. No. 29,296)
(Name of Attorney for Applicants)


(Signature)

August 10, 2004
(Date of Signature)

This application has been reviewed in light of the Office Action dated May 10, 2004. Claims 1-12 are presented for examination, of which Claims 1 and 7 are in independent form. Claims 13-18 have been withdrawn from consideration. Favorable reconsideration is requested.

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 6,035,0091 (*Kazo*), and Claim 6 was also rejected under Section 103(a) as being obvious from *Kazo* in view of U.S. Patent 6353,444 B1 (*Katta et al.*). After a careful study of the prior art and the Office Action, Applicant finds himself unable to agree with the propriety of the outstanding rejections, for at least the following reasons.

Independent Claim 1 is directed to a television signal receiver connected to multiple recording apparatuses that record program data. The television signal receiver consists of an input unit to receive the program data, an identification unit adapted to identify the appropriate group for which the program data belongs, a selection unit adapted to select the appropriate recording apparatus from the plurality of apparatuses based on the identified group, and an output unit to output the program data to the selected recording apparatus. A particular advantage of this receiver is that in the implementation of a plurality of recording apparatuses, the user may elect to apply multiple types of recording apparatuses, including, but not limited to, a video cassette recorder, a hard-disk drive, and rewritable compact disc.

Kazo relates to a picture recording/reproducing apparatus in which a CPU records identification information to discriminate the video cassette during the recording process allowing the user to identify the desired recording medium. However, *Kazo* does not teach or

suggest a selection unit adapted to select an appropriate recording apparatus from among a plurality of recording apparatuses based on the identified group from the program data. While the Examiner cites step ST2 in Figure 20 of *Kazo* as corresponding to the selection unit of Claim 1, Applicant notes that step ST2 relates to a playback mode, not a recording mode. The selection in step ST2 is of a desired cassette for playback based on the user's input (col.14, lines 51-58). In contrast, the selection unit in Claim 1 functions during the recording process to select the appropriate apparatus to perform the actual recording based on identified properties of the program data. This is not taught or suggested by anything found in *Kazo*.

Furthermore, although not recognized by the Examiner, Applicant notes that *Kazo* appears, in the recording process, to select a video cassette at an appointment time preset by the user (col.12, lines 37-56). Although these cassettes appear organized by the type of program or identity of the user as shown in Figures 9, 10, and 13, *Kazo* does not teach or suggest the selection of a recording apparatus from among a plurality of apparatuses based on an identified group. In *Kazo*, a cassette is selected from the tape magazine, and it appears that the cassette chosen is always based on information input by the user, depending on the particular mode the VTR is in at the time of recording. This does not, in Applicant's view, suggest selecting among a plurality of recording apparatuses based on an identified group recognized by an identification unit, as recited in Claim 1.

Additionally, *Kazo* has a mechanical changer, and the Examiner states that "it would have been obvious to one of ordinary skill in the art to use multiple apparatuses to save money", making this assertion under official notice. Applicant respectfully challenges this taking

of “official notice”. As noted in § 2144.03 of the MPEP, “official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.” Even if it be assumed that the ability to use multiple apparatuses would have been obvious, Applicant does not believe that the Examiner has provided any credible motivation for modifying the *Kazo* apparatus in the way proposed. Accordingly, it is believed that the reliance upon official notice is improper, and that the rejection, insofar as based thereon, should be withdrawn. Should the Examiner repeat this rejection, she is respectfully requested to provide basis for the official notice, of the sort specified in the cited portion of the MPEP.

With regard to *Katta*, relied upon in the rejection of Claim 6, that patent relates to a user interface apparatus that provides the capability to instruct special functions relating to receiving, recording, and storing broadcast information. The Examiner cites *Katta* as providing a system in which a receiving unit receives broadcast data and thereafter, a controller receives information on an Electric Program Guide (EPG) from the receiving unit. The EPG, referred to as a “program table,” includes information such as broadcast time, genre, and subgenre, and allows the broadcast data to be stored accordingly.

The Examiner argues it would be obvious to combine the EPG provided in *Katta* with the grouping of programs by genre provided in *Kazo* for “more of an automated recording process.” Even if one were to combine these patents in this fashion, however, the resulting combination would not have, teach or suggest a selection unit that selects an appropriate

recording apparatus from among a plurality of recording apparatuses in accordance with an identified group, as recited in Claim 1, from which Claim 6 depends.

For all these reasons, Applicant strongly urges that Claim 1 is clearly allowable over *Kazo*, and over *Katta*, whether those patents are taken singly or in any combination, assuming that a combination of those patents would even be proper, which Applicant does not concede.

Independent Claim 7 is a method claim corresponding to apparatus Claim 1, and is believed also to be allowable for the reasons discussed above in connection with Claim 1.

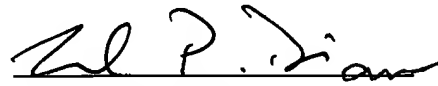
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", written over a horizontal line.

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

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